

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANA SAIKI.

Plaintiff,

V.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-CV-849-RSM-DWC

**STIPULATED ORDER TO
CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 AND
CONTINUE CASE MANAGEMENT
DEADLINES**

CYNTHIA STRECKER,

Plaintiff,

V.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-862-RSM-DWC

**STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 1**

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1	LEO THORBECKE and MARJORITA DEAN,	NO. 2:22-cv-870-RSM-DWC
2	Plaintiffs,	
3	v.	
4	MCG HEALTH, LLC,	
5	Defendant.	
6	LINDA BOOTH, MARY NAPIER, and CANDACE DAUGHERTY,	NO. 2:22-cv-00879-RSM-DWC
7	Plaintiffs,	
8	v.	
9	MCG HEALTH, LLC,	
10	Defendant.	
11	EVA DRESCH,	NO. 2:22-cv-892-RSM-DWC
12	Plaintiff,	
13	v.	
14	MCG HEALTH, LLC,	
15	Defendant.	
16	LINDA CRAWFORD and MICHAEL PRICE,	NO. 2:22-cv-00894-RSM-DWC
17	Plaintiffs,	
18	v.	
19	MCG HEALTH, LLC,	
20	Defendant.	
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STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 2

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JAN TAYLOR and SHELLEY TAYLOR,
Plaintiffs,

NO. 2:22-cv-00925-RSM-DWC

MCG HEALTH, LLC,
Defendant.

NO. 2:22-cv-00935-RSM-DWC

JULIE MACK, JOANNE MULLINS and
INGRID COX,

Plaintiffs,

V.

MCG HEALTH, LLC,

Defendant.

KENNETH HENSLEY, as guardian of R.H.,

NO. 2:22-cv-00978-RSM-DWC

Plaintiffs,

V.

MCG HEALTH, LLC,

Defendant.

WHEREAS, between June 16, 2022 and July 15, 2022, nine (9) related proposed class actions were filed in the United States District Court, Western District of Washington arising out of an alleged data breach involving MCG Health, LLC (“MCG” or “Defendant”):

- *Saiki v. MCG Health, LLC*, No. 2:22-cv-00849 (“*Saiki*”), filed June 16, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;
 - *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862 (“*Strecker*”), filed June 20, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;

**STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 3**

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- 1 • *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870 (“*Thorbecke*”), filed
2 June 21, 2022, and currently pending before Judge Ricardo S. Martinez and
3 Judge David W. Christel;
- 4 • *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879 (“*Booth*”), filed June 22,
5 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
6 W. Christel;
- 7 • *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892 (“*Dresch*”), filed June 24,
8 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
9 W. Christel;
- 10 • *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894 (“*Crawford*”), filed
11 June 24, 2022, and currently pending before Judge Ricardo S. Martinez and
12 Judge David W. Christel;
- 13 • *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925 (“*Taylor*”), filed July 1,
14 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
15 W. Christel;
- 16 • *Mack v. MCG Health, LLC*, No. 2:22-cv-00935 (“*Mack*”), filed July 6, 2022,
17 and currently pending before Judge Ricardo S. Martinez and Judge David W.
18 Christel; and
- 19 • *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978 (“*Hensley*”), filed July 15,
20 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
21 W. Christel (together, the “Related Cases”).

22 WHEREAS, on August 3, 2022, the Court ordered the parties “to meet-and-confer in
23 accordance with Local Civil Rule 42(b) and either file a stipulation to consolidate or file a
24 response of no more than five pages (excluding supporting declarations) SHOWING CAUSE
25 why the above captioned cases should not be consolidated (without prejudice to later
26 bifurcation, as appropriate) on or before August 22, 2022.” Dkt. 27.

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 4

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WHEREAS, the parties have conferred and agree that consolidation is appropriate under Federal Rule of Civil Procedure (FRCP) 42(a) because the Related Cases involve common questions of law or fact, specifically, the cases name a common defendant, and allege similar claims on behalf of overlapping classes arising from the same alleged data breach;

WHEREAS, the Related Cases presently have varying court-imposed deadlines for holding the FRCP 26(f) conference, submitting initial disclosures, and submitting the Joint Status Report and Discovery Plan (*see, e.g.*, *Booth*, Dkt. No. 15);

WHEREAS, maintaining these varying deadlines prior to consolidation would lead to inefficiency, duplication of effort, and an unnecessary expenditure of resources;

WHEREAS, to conserve party resources and for efficiency, the parties agree to defer the above-mentioned deadlines until after the filing of a consolidated complaint;

NOW THEREFORE, pursuant to Local Civil Rule (LCR) 42 and the Court's August 3, 2022 Orders, the Parties STIPULATE and AGREE that:

1. The following actions pending in this District shall be consolidated for pre-trial proceedings and trial pursuant to FRCP 42(a) (hereafter the “Consolidated Action”):

- *Saiki v. MCG Health, LLC*, Cause No. 2:22-cv-00849, Judge Ricardo S. Martinez
 - *Strecker v. MCG Health, LLC*, Cause No. 2:22-cv-00862, Judge Ricardo S. Martinez
 - *Thorbecke, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00870, Judge Ricardo S. Martinez
 - *Booth, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00879, Judge Ricardo S. Martinez
 - *Dresch v. MCG Health, LLC*, Cause No. 2:22-cv-00892, Judge Ricardo S. Martinez
 - *Crawford, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00894, Judge Ricardo S. Martinez
 - *Taylor, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00925, Judge Ricardo S. Martinez

**STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 5**

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- *Mack, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00935, Judge Ricardo S. Martinez
 - *Hensley v. MCG Health, LLC*, Cause No. 2:22-cv-00978, Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MCG Health Data Security Issue Litigation

Case No. 2:22-cv-00849

3. The case file for the Consolidated Action will be maintained under the Master File Case No. 2:22-cv-00849.

4. The clerk is directed to file this order in all nine cases first, then administratively close the following related cases:

- a. *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862;
 - b. *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870;
 - c. *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879;
 - d. *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892;
 - e. *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894;
 - f. *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925;
 - g. *Mack v. MCG Health, LLC*, No. 2:22-cv-00935;
 - h. *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978.

5. Any action subsequently filed, transferred, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be automatically

**STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 6**

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1 consolidated with it within 10 calendar days following the filing of that action. If any party
 2 objects to such consolidation or otherwise wishes to seek alternative relief, they shall do so
 3 before the expiration of that period.

4 6. As soon as practicable, the parties shall file a Notice of Related Cases pursuant to
 5 LCR 3(g) whenever a case that should be consolidated into this action is filed in, or transferred
 6 to, this District. If the Court determines that the case is related, the clerk shall:

- 7 a. place a copy of this Order in the separate file for such action;
- 8 b. serve on plaintiff's counsel in the new case a copy of this Order;
- 9 c. direct that this Order be served upon defendant(s) in the new case; and
- 10 d. make the appropriate entry in the Master Docket.

11 7. The Parties further stipulate and agree to the following deadlines in the Related
 12 Cases:

Event	Deadline
Consolidated Class Action Complaint	30 days after the Related Cases are consolidated
FRCP 26(f) Conference	30 days after briefing is completed on Defendant's Motion to Dismiss
Defendant's Answer or Responsive Pleading ¹	45 days after filing of Consolidated Class Action Complaint
Joint Status Report and Discovery Plan	45 days after briefing is completed on Defendant's Motion to Dismiss
Initial disclosures pursuant to FRCP 26(a)(1)	25 days after the FRCP 26(f) Conference
Motion for class certification	To be set in connection with the issuance of a scheduling order after the Parties conduct their FRCP 26(f) conference and submit their Joint Status Report

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 26 ¹ In the event MCG replies by way of motion, the Parties agree to meet and confer and submit a stipulation regarding an appropriate briefing schedule.

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
 PURSUANT TO FRCP 42 - 7

1 **IT IS SO STIPULATED.**

2 DATED this 17th day of August, 2022.

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16 PURSUANT TO THE FOREGOING STIPULATION, **IT IS SO ORDERED.**

18 Dated this 17th day of August, 2022.

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David W. Christel
United States Magistrate Judge

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 11

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